
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MICHAEL A. PERRY,

Plaintiff,

v.

WEBER COUNTY, et al.,

Defendants.

**ORDER ADOPTING [86] REPORT AND
RECOMMENDATION TO GRANT [77]
MOTION TO DISMISS**

Case No. 1:23-cv-00065-DBB-CMR

District Judge David Barlow

The Report and Recommendation¹ issued by United States Magistrate Judge Cecilia M. Romero on March 17, 2025 recommends that the court dismiss Plaintiff Michael Perry’s (“Mr. Perry”) action.² The magistrate judge reasoned dismissal was proper because Mr. Perry failed to state any plausible claim for relief.³ The magistrate judge advised Mr. Perry of his right to object to the Report and Recommendation within 14 days of its service pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).⁴ Mr. Perry did not file an objection.⁵ Because he filed no written objection by the specified deadline, the court reviews the Report and Recommendation for clear error.⁶ Having done so, the court finds that the magistrate judge’s analysis and conclusions are sound and no clear error appears on the face of the record.

¹ R. & R. to Dismiss Action, ECF No. 86.

² *Id.* at 8.

³ *Id.*

⁴ *Id.* at 10.

⁵ *See* Docket.

⁶ *Johnson v. Progressive Leasing*, No. 2:22-cv-00052, 2023 WL 4044514, at *2 (D. Utah June 16, 2023) (citing *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)). “[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *Port City Props. v. Union Pac. R. Co.*, 518 F.3d 1186, 1190 n.1 (10th Cir. 2008) (alteration in original) (quoting *United States v. 2121 E. 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996)).

Accordingly, **IT IS HEREBY ORDERED** that the Report and Recommendation⁷ is ADOPTED. The court DISMISSES Plaintiff's action without prejudice.

Signed April 21, 2025.

BY THE COURT



David Barlow
United States District Judge

⁷ ECF No. 86.